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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,149	05/14/2001	Yoshinobu Sera	NEC 142135	1114
27667	7590	10/22/2004	EXAMINER	
HAYES, SOLOWAY P.C. 130 W. CUSHING STREET TUCSON, AZ 85701			FADOK, MARK A	
			ART UNIT	PAPER NUMBER

3625

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/855,149

Applicant(s)

SERA, YOSHINOBU

Examiner

Mark Fadok

Art Unit

3625

NW

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

The examiner is in receipt of applicant's response to office action mailed 5/4/2004, which was received 8/2/2004. Acknowledgement is made to the amendment to claims 1,14,15,16 and 17, leaving claims 1-18 as pending in the instant application. The applicant's amendment and remarks have been carefully considered, but were not found to be persuasive; therefore the previous rejection modified by as necessitated by amendment follows:

### **Examiner's Note**

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

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351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Garfinkle (US 6,512,570).**

**In regards to claim 1**, Garfinkle discloses a network commerce system comprising:

an orderer terminal for interaction with an orderer ordering an item or service (FIG 1, Item 8);

a plurality of producing/processing terminals each for interaction with a producer/processor (FIG 1, item 12),

said producer/processor producing and processing said item or providing a produced and processed item, in accordance with an order from said orderer terminal (FIG 5B);

wherein said orderer terminal and said producing/processing terminal are interconnected via said network (FIG 1); and

a headquarters terminal including a receiver for receiving an order from said orderer terminal transmitted via said network (FIG 1, Interfaces, A,B and C) and

a transmitter for transmitting the order received by said receiver to a producing/processing terminal via said network (col 10 –lines 15-40);

said headquarters terminal selectively determining said producing/processing terminal in accordance with a received order and then making the selected producing/processing terminal produce and process said item or provide a produced and processed item (FIG 5A-F and col 10, lines 15-40).

**In regards to claim 2**, Garfinkle teaches wherein said item or service is an item edited with digital data or editing of said digital data (col 10, lines 15-27, digital images uploaded); and

wherein said orderer terminal transmits said digital data together with said order (col 10, lines 15-27); and

wherein each of said producing/processing terminals receives said order and said digital data transmitted via said network and via said headquarters terminal and then edits said digital data in accordance with the content of said order (col 7, lines 4-60).

**In regards to claim 3**, Garfinkle teaches wherein said digital data comprises image data or acoustic data (col 10, lines 15-25).

**In regards to claim 4**, Garfinkle teaches a payment terminal connected to said network, for paying a purchase charge of said item sold or said service provided, via said orderer terminal (FIG 5D, Item 5I).

**In regards to claim 5**, Garfinkle teaches wherein said item or said service is delivered or supplied to a destination other than said orderer (FIG 5E).

**In regards to claim 6**, Garfinkle teaches a payment terminal connected to said network, for paying a purchase charge of said item sold or said service provided, via said orderer terminal (see response to claim 4).

**In regards to claim 7**, Garfinkle teaches wherein said item or said service is delivered or supplied to a destination other than said orderer (see response to claim 5).

**In regards to claim 8**, Garfinkle teaches wherein said digital data comprises image data or acoustic data (see response to claim 3).

**In regards to claim 9**, Garfinkle teaches a payment terminal connected to said network, for paying a purchase charge of said item sold or said service provided, via said orderer terminal (see response to claim 4).

**In regards to claim 10**, Garfinkle teaches wherein said item or said service is delivered or supplied to a destination other than said orderer (see response to claim 5).

**In regards to claim 11**, Garfinkle teaches a payment terminal connected to said network, for paying a purchase charge of said item sold or said service provided, via said orderer terminal (see response to claim 4).

**In regards to claim 12**, Garfinkle teaches wherein said item or said service is delivered or supplied to a destination other than said orderer (see response to claim 5).

**In regards to claim 13**, Garfinkle teaches wherein said item or said service is delivered or supplied to a destination other than said orderer (see response to claim 5).

**In regards to claim 14**, Garfinkle discloses a headquarters terminal comprising: orderer terminals each for interaction with an orderer ordering an item or service;

a plurality of producing/processing terminals each for interaction with a producer/processor which produces and processes said item or supplies a produced/processed item, in accordance with an order from each of said orderer terminals; and

a headquarters terminal including:

a receiver for receiving an order transmitted from said orderer terminal via said network;

a transmitter for transmitting an item received by said receiving means to a producing/receiving terminal via said network; and

a determinator for selectively determining said producing/processing terminal in accordance with a received order and then making said producing/processing terminal produce and process said item or making said selected producing/processing terminal supply said produced/processed item;

wherein a network commerce is performed between said orderer terminal and said producing/processing terminal connected via a network (see response to claim 1).

**In regards to claim 15**, Garfinkle discloses a producing/processing terminal comprising:

orderer terminals each for interaction with an orderer ordering an item or service;  
a plurality of producing/processing terminals each which is handled by a producer/processor which produces and processes said item or supplies a produced/processed item, in accordance with an order from each of said orderer terminals; and

a headquarters terminal including:  
a receiver for receiving an order transmitted from an orderer terminal via said network;

a transmitter for transmitting an order received by said receiver to a producing/processing terminal via said network; and

a determinator for selectively determining said producing/processing terminal in accordance with a received order and then making said producing/processing terminal produce and process said item or supply said produced/processed item;



wherein a network commerce is performed between said orderer terminal and said producing/processing terminal connected via a network (see response to claim 1).

**In regards to claim 16**, Garfinkle discloses an orderer terminal used in a network commerce system,

said network commerce system comprising:

orderer terminals each for interaction with an orderer ordering an item or service;

a plurality of producing/processing terminals each for interaction with a producer/processor which produces and processes said item or supplies a produced/processed item, in accordance with an order from each of said orderer terminals; and

a headquarters terminal including:

a receiver for receiving an order transmitted from an orderer terminal via said network a transmitter for transmitting an item received by said receiver to a producing/receiving terminal via said network; and

a determinator for selectively determining said producing/processing terminal in accordance with a received order and then making said selected producing/processing terminal produce and process said item or supply said produced/processed item;

wherein a network commerce is performed between a producing/processing terminal and said headquarters terminal connected via a network (see response to claim 1).

**In regards to claim 17**, Garfinkle discloses a payment terminal used in a network commerce system, said network commerce system comprising:

orderer terminals each for interacting with an orderer ordering an item or service;

a plurality of producing/processing terminals each for interacting with a producer/processor which produces and processes said item or supplies a produced/processed item, in accordance with an order from each of said orderer terminals; and

a headquarters terminal including:

a receiver for receiving an order transmitted from said orderer terminal via said network;

a transmitter for transmitting an item received by said receiver to a producing/receiving terminal via said network;

a determinator for selectively determining said producing/processing terminal in accordance with a received order and then making said selected producing/processing terminal produce, and process said item or supply said produced/processed item; and

a payment terminal for paying a purchase charge of said item or service sold or supplied via said orderer terminal;

wherein a network commerce is performed between said orderer terminal and said producing/processing terminal and said headquarters terminal, interconnected via a network (see response to claim 1 and 4).

**In regards to claim 18**, Garfinkle discloses a network commerce method, wherein an orderer terminal orders an item or service via a network and a producing/processing terminal sells said item or provides said service, in accordance with said order, the method comprising the steps of:

receiving said order transmitted from said orderer terminal via said network, using a headquarters terminal;

selectively determining a producing/processing terminal for said item in accordance with the content of said received order, using said headquarters terminal;

transmitting said order to said selected producing/processing terminal via said network;

making said selected producing/processing terminal produce and process said item or supply said produced/processed item; and

paying, when said order is received or after said produced/processed item is supplied, a purchase charge of said item or service via said orderer terminal (see response to claim 17 and FIG 5E, pickup).

### ***Response to Arguments***

Applicant's arguments filed 8/2/2004 have been fully considered but they are not persuasive.

Applicant argues that Garfinkle does not disclose the order terminal, producing/processing terminal, and a headquarters terminal on the same network. The

examiner disagrees and directs the applicant's attention to FIG 1, which clearly shows the functions, connected through the administrative interface.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **(703) 605-4252**. The examiner can normally be reached Monday thru Thursday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Vincent Millin** can be reached on **(703) 308-1065**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

***Commissioner for Patents***

***P.O. Box 1450***

**Alexandria, Va. 22313-1450**

or faxed to:

**(703) 872-9306** [Official communications; including  
After Final communications labeled  
"Box AF"]

**(703) 746-7206** [Informal/Draft communications, labeled  
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7<sup>th</sup> floor receptionist.



Mark Fadok

Patent Examiner